

AFFIDAVIT

I, James Payne, being duly sworn, state under oath that:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and have been in this position for approximately three years. ATF is a federal law enforcement agency charged with the enforcement of the Federal statutes regarding firearms, arsons, and explosives, among other legal responsibilities. During my tenure as an ATF agent, I have conducted various investigations involving violations of federal firearm and controlled substance laws. Prior to ATF, I was a Police Officer with the Kansas City, Missouri Police Department (KCMOPD) for over five years. My assignments with the KCMOPD included East Patrol Division, the Field Training Program, and the Tactical Response Team.
2. I know from my previous training and experience that pursuant to Title 18, United States Code, Section 922(g)(1) that it shall be unlawful for any person who has knowingly been convicted of a felony offense punishable by more than one year of confinement to knowingly possess firearms or ammunition that has affected interstate commerce. Additionally, I know from training and experience that pursuant to Title 26, United States Code, Section 5841(e) that firearms capable of automatic fire (commonly referred to as a “machinegun”) require registration in the National Firearms Registration and Transfer Record (NFRTR).
3. This Affidavit contains information necessary to support probable cause for this application. It is not intended to include every fact or matter observed by me or known by law enforcement. The information provided is from my participation in this investigation as well as from reviewing investigative reports, physical evidence obtained during the investigation, my review of records and documents, from discussions with others, including law enforcement officers, and from my personal knowledge, training and experience.
4. On August 9, 2022, your Affiant was notified by members of the Kansas City, Missouri Police Department (KCMOPD) that Darion JACKSON was believed to be in the area of 23rd Street and Hardesty Avenue in Kansas City, Missouri. JACKSON had an active felony warrant (issued in Jackson County, Missouri) for a robbery offense.
5. Officers were able to view images posted to JACKSON’s Facebook profile that portrayed him in possession of a Glock handgun that appeared to be equipped with a Glock “switch” (note that investigators recognized this device, based on training and experience, to be an aftermarket device utilized to convert a Glock pistol from

semi-automatic fire to automatic fire). Screenshots of this content were taken by investigators on August 3, 2022, and August 5, 2022 (note that the posts were to JACKSON's Facebook "Story," and therefore the posts would have had to have been made within twenty-four hours of the screenshots taken by investigators, as the "Story" function is purged after that amount of time). Investigators also observed a video posted to the same Facebook profile that appeared to bear the caption "my July 4th." In this video, an individual believed to be JACKSON is observed firing a handgun (pointed toward the ground) multiple times. Further note that this particular firearm did not appear to function with automatic fire, though JACKSON fires multiple rounds with the handgun.

6. A query of JACKSON's criminal history revealed that on March 11, 2020, JACKSON was convicted (by the Jackson County, Missouri Circuit Court) for Robbery-Attempt-1st Degree (a Class B felony). Additionally, JACKSON's criminal history revealed that on September 1, 2021, he was convicted of Possession of Opiate, Opium, Narcotic or Certain Stimulant (a felony) in the Johnson County, Kansas District Court. These felony convictions prohibit JACKSON from possessing firearms or ammunition that have affected interstate commerce, pursuant to Title 18, United States Code, Section 922(g)(1).
7. On August 9, 2022, members of the KCMOPD along with your Affiant were actively conducting surveillance in the aforementioned area of Kansas City in order to locate JACKSON. Note that a vehicle (identified as a 2006 silver in color Buick LaCrosse bearing Missouri license plate ZF8U9D) had already been associated to JACKSON prior to the initiation of this surveillance. At approximately 1521 hours, investigators observed the described vehicle in the area of East 24th Terrace and Brooklyn Avenue in Kansas City, Missouri. Investigators were then able to visually confirm that JACKSON was the driver and sole occupant of the vehicle. Uniformed KCMOPD officers activated their emergency lights and sirens in order to conduct a stop of the vehicle, but JACKSON refused to stop, and a vehicle pursuit ensued.
8. KCMOPD officers pursued JACKSON for a period of approximately five to ten minutes, until JACKSON's vehicle collided with a parked vehicle near the intersection of East 31st Street and Woodland Avenue. JACKSON then fled from officers on foot, into a small wooded area on the southeast corner of East 31st Street and Highland Avenue. Numerous KCMOPD officers, and your Affiant, surrounded this small wooded area in order to establish a perimeter around JACKSON, thereby preventing further flight. KCMOPD officers eventually discovered JACKSON hiding within a recreational vehicle (RV) that was parked within the described wooded area (note that the owner of this property granted consent to search the property to officers who then made entry into the RV and took JACKSON into custody).

9. The described vehicle utilized by JACKSON was searched by KCMOPD officers, pursuant to consent provided by the vehicle's owner. Officers discovered a gray in color, "cross-body" style bag on the front passenger floorboard. Within this bag officers discovered a Glock, Model 23, .40 caliber semi-automatic pistol, bearing Serial Number BVXZ117. The reporting officer who made this discovery further noted that a Glock "switch"-type device was observed to be affixed to the firearm (your Affiant noted that this device was affixed to the rear of the slide of the firearm, which your Affiant understands to be the location where devices like this are affixed in order to convert the firearm to automatic fire). In addition to the "switch" device, this handgun was also outfitted with a laser/light attachment. Note that this firearm appeared to be the same firearm that was previously observed in JACKSON's possession via his Facebook profile images. The reporting officer who discovered the firearm further noted discovering a magazine seated within the weapon that contained twelve live rounds of .40 caliber ammunition, as well as a live, .40 caliber round in the chamber of the firearm. A partially loaded extended magazine (believed to hold a total capacity of thirty rounds of .40 caliber ammunition) was also discovered within the same bag (this is pertinent because some of the images captured from JACKSON's Facebook portray an extended magazine bearing the same appearance seated within the firearm).
10. On August 10, 2022, your Affiant temporarily obtained the described firearm from KCMOPD custody, in order to conduct a standard function test for automatic fire. Based on your Affiant's training and experience, the firearm in question is capable of automatic fire, based on the results of the examination. Note that this test requires pulling the trigger of the firearm and racking the slide of the firearm with the trigger still pulled to the rear and observing whether or not the trigger resets as normal. In the case of the firearm in question, your Affiant observed a "dead trigger" after conducting the described test, indicating that the weapon is capable of automatic fire.
11. On August 10, 2022, your Affiant contacted an anonymous source who had correspondence with JACKSON via Facebook. Your Affiant was connected with this source via KCMOPD officers. This individual provided a copy of this correspondence to your Affiant, and your Affiant observed JACKSON state, "And I gotta Glock wit a switch (followed by a series of emojis)." This statement by JACKSON demonstrates that he was aware that the firearm in his possession was equipped with the described "switch," which made it capable of automatic fire. In addition to the written correspondence, this source provided your Affiant with a video (reported to be sent by JACKSON) that portrays two handguns on JACKSON's lap, one of which appears to be the described Glock handgun with equipped Glock "switch."
12. An ATF Interstate Nexus expert was notified of the firearm in question and provided an opinion that the firearm was not manufactured in the state of Missouri,

and therefore would have had to affect interstate commerce. Note that this expert did not actually examine the firearm themselves, but used the description provided by your Affiant to render their opinion.

13. The aforementioned alleged violations occurred in the City of Kansas City, County of Jackson, Western District of Missouri.

James Payne

JAMES PAYNE
Special Agent
Bureau Alcohol, Tobacco, Firearms and Explosives

Telephonically/remotely or otherwise subscribed to

and sworn to before me this 10th day of August 2022. By telephone at 3:27 pm



HONORABLE W. BRIAN GADDY
United States Magistrate Judge
Western District of Missouri

